

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

13-CR-198-A

SALVATORE TANTILLO, III

Defendant.

**GOVERNMENT'S RESPONSE TO
DEFENDANT'S SENTENCING MEMORANDUM**

The government makes this response to the defendant's sentencing memorandum.
(Docket # 20).

On October 4, 2013, the defendant, SALVATORE TANTILLO, III, appeared before this Court and pled guilty to a one count information which charged a violation of Title 18, United States Code, Section 2422(b) (enticement of a minor to engage in sexual activity). The parties agreed in the plea agreement, and the Presentence Report found that the defendant's criminal history category is a category I and his adjusted offense level is 31, resulting in a guideline range of 120 to 135 months (PSR ¶ 7 and ¶ 57). Furthermore, the parties agreed to the guidelines calculations set forth in the plea agreement, and agreed not to recommend a sentence outside the guidelines calculations in the plea agreement except as specifically set forth in the plea agreement (PSR ¶ 8). The parties also agreed in the plea agreement, and the Presentence Report also noted that this offense carries a mandatory

minimum sentence of 120 months (PSR ¶56). Consequently, the government recommends that the Court impose a guideline sentence in this case.

DATED: Buffalo, New York, February 11, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2014, I electronically filed the **GOVERNMENT'S RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

John Humann, AFD

US Probation Office
Attn: David W. Ball, United States Probation Officer

s/ JOANNE BEALE